89-1604 (2)

Supreme Court, U.S.
FILED
JUN 6 1990
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

OREGON STATE POLICE OFFICERS ASSOCIATION, an Oregon corporation, and STEPHEN BECK,

Petitioners,

v.

STATE OF OREGON, OREGON DEPARTMENT OF STATE POLICE, and EMIL BRANDAW, Superintendent of State Police,

Respondents.

SUPPLEMENTAL BRIEF ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT FOR THE STATE OF OREGON

James S. Coon
135 SW Ash, #600
Portland, OR 97204
(503) 221-0077

Counsel for Petitioner

IMPERATI, BARNETT, SHERWOOD
& COON, P.C.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

OREGON STATE POLICE OFFICERS ASSOCIATION, an Oregon corporation, and STEPHEN BECK,

Petitioners,

v.

STATE OF OREGON, OREGON DEPARTMENT OF STATE POLICE, and EMIL BRANDAW, Superintendent of State Police,

Respondents.

SUPPLEMENTAL BRIEF ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT FOR THE STATE OF OREGON

Petitioner submits this supplemental brief under Supreme Court Rule 15.7 to bring to the Court's attention a further order of the Oregon Supreme Court below.

Petitioners append hereto the order of the Oregon Supreme Court dated May 16, 1990

denying petitioners attorney fees for services rendered in the Oregon Supreme Court in this matter.

Petitioners request that the Court review and reverse this May 16, 1990 decision of the Oregon Supreme Court as well as the January 11, 1990 Order Denying Reconsideration and November 30, 1989 Decision of the Oregon Supreme Court.

The legal questions raised by the Oregon Court's May 16 order are identical to those addressed in the Petition for Certiorari, and petitioners have no further argument at this time.

CONCLUSION

The Petition for Writ of Certiorari should be granted and the Oregon Supreme Court's decisions reversed. The case should be remanded for reinstatement of the

attorney fee awards made by the Oregon Circuit Court and Court of Appeals and for an award of attorney fees in the Oregon Supreme Court.

Respectfully submitted,

IMPERATI, BARNETT,
SHERWOOD & COON, P.C.

James S. Coon
135 SW Ash, Suite 600
Portland, OR 97204
(503) 221-0077

APPENDIX TO

Supplemental Brief on Petition for Writ of Certiorari to the Supreme Court for the State of Oregon

APPENDIX INDEX

Page

APPENDIX A
Order Denying Petition
for Attorney Fees
May 16, 1990 . . . . . 2a

APPENDIX A

IN THE SUPREME COURT OF THE STATE OF OREGON

OREGON STATE POLICE OFFICERS ASSOCIATION, INC., an Oregon corporation, and STEPHEN BECK, Plaintiffs Respondents Cross-Appellants-Respondents on Review, vs. STATE OF OREGON, OREGON DEPARTMENT OF STATE POLICE, and EMIL BRANDAW, Superintendent of State Police, Defendants-Appellants Cross-Respondents-Petitioners on Review,	MCCC#A8508 05041 CA A46148 SC S35924

ORDER DENYING PETITION FOR ATTORNEY FEES

Respondents on review have petitioned for an award of attorney fees for services rendered in the court and petitioners on review have filed an objection.

IT IS ORDERED that the petition is denied.

DATED this 16 day of May, 1990.

Edwin Peterson
Chief Justice

c: James S. Coon
Timothy Sylwester

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing SUPPLEMENTAL BRIEF ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT FOR THE STATE OF OREGON on

Solicitor General
Department of Justice
Washington, DC 20530

Telephone (202) 514-2000

Virginia L. Linder
Assistant Attorney General
Department of Justice
Justice Building
Salem, OR 97310

Telephone (503) 378-4402

this _____ day of June, 1990, by mailing to each three true and correct copies thereof, certified by me as such. I further certify that said copies were placed in sealed envelopes addressed to said individuals at their regular office addresses; said sealed envelopes were then deposited in the United States post office at Portland, Oregon on the day last above mentioned with the postage thereon fully paid.

All parties required to be served have been served.

_____
James S. Coon
Attorney for Petitioners